

U.S. Court of Federal Claims Advisory Counsel
Technology Committee

Electronic Filing and Case Management Survey

At the present time the Administrative Office of the U.S. Courts ("AO") is conducting a pilot program for the introduction of Case Management/Electronic Case Files ("CM/ECF") systems in the U.S. Federal Courts. These systems would permit, inter alia, electronic filing of pleadings, electronic docketing, electronic case record management systems, as well as differing levels of electronic access to Court documents by the bar and members of the public. The AO will be bringing additional courts on line with some or all modules of these electronic systems over the next few years. The U.S. Court of Federal Claims is eligible to participate in the AO's project and over the next year must consider and determine the timing of its participation and those modules it will adopt.

In order to provide the Court information that might be helpful in determining the speed with which automation should occur and which package of technological tools would best address the Court's and practitioners' needs now and in the future, the Advisory Council to the Court is conducting a survey of the kinds of technology tools and services that the Court and practitioners now use and are likely to use in the future for the cases that will come before the Court. The quality of the responses received in this survey will assist the Court in determining its present and future needs. Please take the time to respond to the survey carefully and completely. Thank you for your anticipated cooperation in this effort.

The results of the survey will be made available for review once they are tabulated.

1. Do you currently practice in the corporate, public or private sector?

2. In what jurisdictional areas do you practice?

Government Contracts

Indian Claims

Military Pay

Patent

Takings

Tax

Vaccine

Other (please specify) _____

3. Do you have a computer for business? (Yes or No)

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If you answered "Yes," answer the following additional questions

- A. Which operating system and version do you use? (E.g., DOS, Macintosh, Windows 95/98/NT (IBM format), LINUX, etc.)
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- B. Which word processing package and version do you use? (E.g., Microsoft Word 2000, WordPerfect 9.0, etc.)
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- C. Which presentations/graphics packages and version do you use? (E.g., Microsoft PowerPoint 2000, Presentations 9.0, , Excel)
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- D. In what formats can your office write/create/download/read documents? Please specify. (E.g., Adobe Acrobat PDF, ASCII, TIFF, GIFF, Wordperfect, Word, other)
-
- E. Can you receive and transmit documents electronically from your office computer? (E.g., e-mail, facsimile with hard copy print out, facsimile directly into your computer, Internet, etc.)
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- F. Can you run diskettes, CD ROMs on your computer?
-
- G. Do you have a CD writer, or other ability to write CD ROMs, and/or diskette writing capability on your computer?
-
- H. Do you have a document scanner?
-
- I. Do you have access to e-mail? If so, which software package do you use? (E.g., Microsoft Exchange, Outlook, GroupWise, Lotus Notes)
-
- J. Which web browser and version do you use? (E.g., Netscape Navigator 4.7 or Microsoft Internet Explorer 4.0)
-
- K. Can you access the Internet from your computer? If so, specify whether you access the Internet via an Internet Service Provider (ISP) or modem.
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- L. Do you currently have a firewall or other means of protecting electronic media containing proprietary information from unauthorized access? Please specify.
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M. Do you anticipate any technology changes to the above questions within the next three years? If so, what changes do you anticipate?

4. If you do not now have a computer, do you plan on acquiring one within the next three years?

5. If the Court instituted electronic filing would you be able to utilize this capability?

A. Filing on line

B. Filing using electronic media such as a CD ROM to exchange pleadings and documents?

C. Would you be interested in doing so?

6. Would you make use of a Court-created website from which the parties to litigation could access the docket, pleadings, other case-specific documents?

Would you be more likely to do so if the website were secure and password protected?

7. Would you make use of a Court-created website from which members of the bar could access Court docket sheets and unprotected pleadings and documents?

8. Would you make use of a Court-created website from which members of the public could access Court documents not otherwise subject to a protective order?

9. If the Court created a website from which Court docket sheets and unprotected pleadings could be accessed, would you utilize this capability if it were free?

If you had to pay an access fee of less than \$10? Less than \$50? More than \$50?

10. Are there any other documents that you would like to see accessed through a Court website?

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11. Should the Court conduct an Electronic Case Filing (ECF) Pilot Project?

12. Should the Court initially use ECF to cover only those cases arising from a single agency? A specific area of the Court's jurisdiction? (Please explain your answer.)

13. The Government has instituted initiatives to reduce the amount of paper in government. To that end, the Government now engages in paperless procurements, on line contract administration and correspondence, electronic tax return filing, etc. With this in mind, identify potential sources of evidence for your cases. For each of the following, indicate whether it is likely, unlikely, or could possibly be a source of evidence for a case that could be filed at the Court right now? For a case that might be filed three years from now.

	Current Potential/Actual Source of Evidence	Three Years From Now
Paper documentation	<hr/>	<hr/>
Live Witnesses	<hr/>	<hr/>
Electronic media		
Electronic databases	<hr/>	<hr/>
Paperless procurements	<hr/>	<hr/>
Paperless contracts	<hr/>	<hr/>
E-mail	<hr/>	<hr/>
Electronic files	<hr/>	<hr/>
CD ROMs	<hr/>	<hr/>
Diskettes	<hr/>	<hr/>
Tapes	<hr/>	<hr/>
Powerpoint presentations	<hr/>	<hr/>
Excel spreadsheets	<hr/>	<hr/>
Reverse auction database	<hr/>	<hr/>
Other	<hr/>	<hr/>
Physical exhibits	<hr/>	<hr/>
Other	<hr/>	<hr/>

14. Do you think proprietary information should be transmitted to the Court and/or the parties via electronic means?

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15. Do you think the Court should permit the filing of CD ROMs or electronic documentation with hotlinks to cited documents, exhibits, cases?

16. Should the Court provide the parties with computer access in the courtroom? A digital camera? Optical scanning and retrieval system? Real time court reporting? Video-conferencing for trial/hearing purposes?

17. Have you had experience with the use of PKI (Public Key Infrastructure) or other encryption tools to protect electronic information? If so, please specify the type of encryption tool you have used?

18. Would you like to see the Court and the COFC Bar hold an open discussion on this topic before a decision is made?

19. Have you had any experience with electronic filing and case management? If so, please describe your experience and indicate whether you thought the technology helped or hindered the litigation.

OPTIONAL INFORMATION

Name: _____

Telephone Number: _____

E-mail: _____

Please forward your completed survey to Clarence Kipps, Chair, U.S. Court of Federal Claims Advisory Counsel, c/o Miller & Chevalier, 655 15th Street, N.W., Suite 900, Washington, D.C. 20005-5701.

If you have any questions regarding the survey, please contact Susan Warshaw Ebner, Chair, U.S. Court of Federal Claims Technology Committee (sdwebner@aol.com or (202) 383-7145).